

NOTICE OF DECISION

On Tuesday, November 26, 2013, the Frankestown Zoning Board of Adjustment GRANTED the application of SNH Development for a variance to Article III, Section 15 to permit the newly installed lighting fixtures LL-P-1 to the summit, MM 1-4, FE 1-5, and SS-2 placed on the ski area in 2012 on the EXPRESS condition that the newly installed lights shall have visors/shields added to the fixtures to reduce to the greatest extent possible the spill and light above the horizontal plane. In granting the variance, the Board recognizes that if additional lighting becomes required, a further application for a variance is not required provided the additional lighting has the same visor/shield assembly.

With the condition imposed, the board found that the applicant met the criteria for a variance by a 4-0 vote:

1. The public interest is served as the essential character and basic objectives of the ordinance are met.
2. The spirit of the ordinance is met as the visors/shields support the rural character of the town and permit the recreational use for a ski area.
3. Substantial justice is accomplished as the use is permitted and the visors/shields minimize the public loss.
4. Abutting property values are not adversely affected as both opinion letters from relators and the abutting condo associations support the application
5. Unnecessary hardship exists as the ski area is distinguished from other properties in town, the use of visors/shields is reasonable and the existing lighting regulation does not reasonably address lighting of ski areas.

2 December 2013

silas little for the Board